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'ged Debaters' Handbook Series

LECTED ARTICLES

ON THE

YEAR PRESIDENTIAL TERM

COMPILED BY

ESTELLA E. PAINTER

MINNEAPOLIS
THE H. W. WILSON COMPANY
1913



The Abridged Debaters' Handbook Series

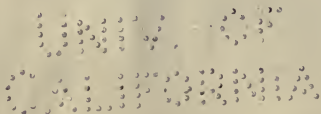
SELECTED ARTICLES

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SIX-YEAR PRESIDENTIAL
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EXPLANATORY NOTE

The question of the length of term, together with reeligibility to office for the president of the United States is not a new one. In fact it was a much disputed question at the time of the framing of the Constitution. It has come up at nearly every session of Congress since, but has always been put aside without any definite action being taken.

During the second session of the 62nd Congress a bill was introduced and passed in the Senate limiting the president's tenure of office to a single six-year term with the condition that he should be ineligible for re-election at any future time. The bill failed to reach the House, but the question is still a live one and in all probability will be brought up again at a future Congressional session. The material on this subject is, as yet limited. For a complete discussion of the subject, a thorough reading of the references listed in the bibliography is advised. Reprints have here been made of the best arguments.

April, 1913.

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BRIEF

Resolved, That the president of the United States should hold office for a term of six years and should be ineligible to a second term at any future time.

INTRODUCTION

- I. What the president's tenure of office should be has been a much disputed question.
 - A. It was a point of great discussion at the time of the framing of the Constitution.
 - B. Recent legislation has taken the question into consideration.
- II. The question seems to present two main issues.
 - A. Is there need for a change in the president's tenure of office?
 - B. Would the single six-year term supply that need?

AFFIRMATIVE

- I. There is a great need for a change in the president's tenure of office.
 - A. There are many evils in our present system.
 - 1. President's time is taken up in making stump speeches for his re-election.
 - 2. Favors are granted to trusts in order to gain their support at re-election.
 - 3. Regular political machine is formed.
 - 4. Use of patronage is cultivated.
 - 5. Large campaign funds are contributed by privilege-seeking corporations.
- II. The single six-year presidential term would remedy the defects in our present system of office tenure.
 - A. Greater business tranquillity would result.
 - 1. Less frequent elections would decrease the enormous expense of the country.

- B. More efficient work would be rendered by the executive with one continuous term.
1. Political army would not be needed.
 2. Public matters could be dealt with on their merits.
- C. People could give a free vote.
1. Corporations would not buy up the votes.

NEGATIVE

- I. There is no need for change in the president's tenure of office.
 - A. The so-called evils of our present system would not be remedied by a single six-year term.
 1. Trusts are not favored by the president in order to gain re-election.
 2. Patronage may be eliminated by other forces.
 - (a) Presidential primaries will be a remedy.
 - B. The power of impeachment will correct any abuse of office made by the president.
- II. Present length of the president's tenure of office is most beneficial to the people.
 - A. Frequent elections are instructive to voters.
 - B. Shorter term with re-eligibility acts as a check on the executive.
 - C. Six-year term with non-eligibility would be a limitation on the powers of the people.
 1. Voter can render better judgment for a second term.
 2. Experience is valuable to public service.
 3. Nation might be deprived of best man in a great crisis.

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ELECTION TO SECOND TERM CAUSE OF CORRUPTION.

The effort to elect a President to a second term is a prolific source of political corruption, neglect of official duty, and betrayal of trust on the part of public servants. It is degrading to the President himself, and brings his great office into disrespect, often contempt. The President has come to be regarded as the head of his party, not as a candidate only, but as President, and not as the head of the Nation. It is a most pernicious doctrine. He has the power of appointment of thousands of Federal officers in every part of the country. Practically, in making these appointments he acts as the head of his party and not as President. If he is reelected the appointees may reasonably expect to retain their offices. A large part of his time that should be devoted to the public service is given over to politics and the effort to secure his reelection. He is regarded by his appointees as their political chief, to whom they owe allegiance because he appointed them. They are tempted to serve him rather than the country. He expects every man he appoints to support his political aspirations. To fail is to be treacherous and ungrateful. They so regard it, and so does he. The White House is turned into the headquarters of a political party, where a press bureau is maintained in the interest of the political chief and leader of his party who is for the time being the President of the United States. The members of his Cabinet become his political advisers. In this they are not serving their country, but the seeker after a second term. The appointees in the immediate service of the President become his political aids and

devote much of their time, paid for by the Government, to his service as political leader and candidate for reelection. It is a vicious system, that can not be denounced too strongly or too often. The people of a free Republic should not submit to it for a day. Every lover of his country should speak out against it and support any measure intended and reasonably calculated to put an end to it. If a President were limited to one term and rendered ineligible to a second election, there would be no incentive or temptation to appoint men to office with a view to their support of him as a candidate for a second term. He would need no political army. As a political leader he would be useless. He would have no motive or desire other than to do his duty as President and make for himself an honorable record as a public official. We have had some highly honorable men in the White House, men who would have condemned the use of patronage by another for his political advancement, but there is not one of them who has been a candidate for reelection who has not willingly profited by such conditions. Not one of them, I believe, but would have regarded it as an act of treachery on the part of one of his appointees to oppose or even fail to support his candidacy for reelection. Every man holding an office by the appointment of the President has come, by common consent on the part of politicians, to be one of his political supporters owing him personal allegiance. This condition alone should assure the passage of this resolution by Congress and its ratification by the States.)

But, sir, there are other considerations favorable to this proposed amendment that appeal to me with equal if not greater force. The President is more powerful than any king of modern times. Of later years he has assumed and exercised powers that do justly belong to him. He has made himself an active and, not infrequently, a controlling part of the law-making power. He has not been content to recommend the enactment of laws; he has demanded their passage, and brought to bear all the power and influence of his great office to compel their enactment. This is a plain and dangerous usurpation of power and a violation of the spirit of the Constitution. The longer one man remains President the greater is his inclination to usurp this power.

The authority rightly vested in the President, to see that the laws are executed, is equally subject to abuse. Congress may enact a law. The President may nullify it or destroy its effect, either entirely or as affecting individuals, by a mere word. He may direct the Department of Justice to enforce a law or withhold its enforcement, and the Attorney General will obey. The Sherman antitrust law is an example in point. It defines what shall constitute a trust and makes the maintenance of a trust a crime. In any State in the Union it would be the duty of any prosecuting officer to whose attention a violation of the statute is directed to prosecute the offender. It is as much his duty to enforce the law as it is for the delinquent to obey it. So it should be in the case of the Attorney General of the United States, but it is not so regarded. If the President does not direct him to prosecute, that is looked upon as sufficient excuse for not doing so. If the President directs him not to enforce the law, or not to enforce it against a given corporation, that is conclusive. This very thing has been done, evidently in the interest of one great corporation or another. It has been made the subject of adverse comment in the late political campaign.

FAVORS GRANTED TO TRUSTS.

Now, sir, what is the natural result of favorable or unfavorable action affecting a corporation when the incumbent of the presidential office becomes a candidate for reelection? Would you expect such a corporation, thus favored and protected from prosecution by order of the President, to oppose his renomination and election? We are not without evidence of the effect of such action on succeeding elections. The great Harvester Trust, one of the worst and most oppressive of its kind, was signally favored by Mr. Roosevelt, when President, in this respect. It was not prosecuted for violation of the Sherman anti-trust law, because Roosevelt ordered otherwise. What was the natural result? When Roosevelt again became a candidate George W. Perkins became his ardent supporter and chief financial backer. Perkins was largely interested in the Harvester Trust. What else could one expect? Perkins knew, by actual demonstration, that his company would be safe against

just prosecution if Roosevelt were elected, unless he should change his mind. And he would be much less likely to change his views if the Harvester Trust or its stockholders should lend him their support. The same comment might be made as to the Steel Trust.

Mr. President, I am not saying that Mr. Roosevelt acted out of improper motives in dealing with the Harvester Trust or the Steel Trust. He may have been perfectly satisfied that the course taken by him was the proper and just course. It is not my purpose to judge or condemn him personally. I call attention to these instances of presidential favor and what followed them as illustrating the power that exists in the hands of a President, in his first term, to secure his election to a second term. Whether rightly or wrongly exercised, the power is there. It is practically unrestrained. The temptation to use it in such way as to secure a reelection is manifestly great. That the action of the President in dealing with the question of the prosecution of corporations alleged to be trusts may and almost certainly will affect his prospects most profoundly as a candidate for reelection can not be justly denied. The power that these great aggregations of wealth have exercised in controlling elections in the past is beyond question. As political campaigns are conducted, money is regarded as one of the most powerful factors in the struggle. That millions of money have been supplied by these trusts and their millionaire stockholders has been clearly demonstrated by actual proof before the committee of the Senate to investigate campaign expenditures. No one familiar with conditions can reasonably doubt that the money contributed by such men and such interests has been the means of buying thousands of votes and in other ways corrupting the electorate and the ballot.

CAMPAIGN CONTRIBUTIONS.

This brings me logically to the consideration of campaign contributions as affecting the candidacy of the President for a second term. As I have pointed out, the question whether corporations alleged to be or suspected of being trusts in violation of law shall be prosecuted or not rests absolutely with the President. The temptation to prosecute or not to prose-

cute, as affecting him, I have already pointed out. The inducement to support or oppose a candidate for reelection as a result of his previous treatment of a corporation in this respect is too obvious to need comment. Privilege-seeking corporations support the public official who will grant them privileges. That is what they are in politics for. This being so, how natural it is for a corporation that has been thus favored to make contributions to the campaign fund of their official friend. They are not only paying for past favors, but buying new ones, as they very naturally believe. They expect to accomplish results by the use of money in politics as they do in business. It is the only way of doing politics that they know.

The investigation of campaign contributions lately has had exposed some of the darkest pages of the political history of the country. It has revealed the unpleasant fact that the money used for campaign purposes, by both Republicans and Democrats, in past years, was supplied almost wholly by men interested in the large corporations that were amenable to punishment under the antitrust law. The new Progressive Party was tainted in the very beginning by putting itself in the hands of the same interests. It was managed and financed by promoters, corruptionists, and trust magnates. In all these cases the money was contributed to secure the election of the man who, if elected, would be intrusted with the power of determining conclusively whether they should be prosecuted or not. No matter whether it was so understood or not, it was nothing more or less than buying immunity from such prosecution. They very naturally reasoned that the man who accepted their money to secure his election would not use the power their money had given him to punish them for making that money unlawfully. To prosecute such as these for the crime of making the money by violating a law that his sworn duty required him to enforce would convict him of accepting tainted money to secure his election. The hypocritical pretense that such contributions were in the public interest and not in the personal interest of the men who made them excites contempt.

But, sir, to me there is an even more serious and reprehensible side to this question of political contributions than

this. Such contributions can not justly be called voluntary. The giver makes them under compulsion and for his own protection, especially in case of the candidacy for reelection. The President has some months of his first term to serve after the contributions must be made. If he is willing to accept such contributions he may well be suspected of a disposition to resent it if they are not forthcoming. He has it in his power to enforce the law against the noncontributors and he has ample time to do it even if he is defeated for reelection. When he makes known the fact personally or through his committee that he wants or is willing to accept such a contribution, the official or stockholder of such a corporation may well fear that it is a demand for money that must be furnished under penalty of prosecution or other unfavorable treatment in case of refusal. Such a demand or request from the candidate, or his political managers, is essentially a holdup. That it has been so considered by some of the contributors is perfectly well understood. Let me again refer to the work of the investigating committee. E. H. Harriman was the president of the Southern Pacific Co., a Kentucky corporation, and other transportation companies operating a system of railroads in the western portion of the country, with headquarters in New York. He and his corporations were subject to prosecution for violation of the Sherman antitrust law. He was shown to have raised a fund of \$250,000 for the Republican campaign fund of 1904, fifty thousand of which he contributed himself. Other generously disposed gentlemen, connected with other corporations, including the Standard Oil Co., also contributed large sums.

CANDIDATES FOR PRESIDENT ON THE STUMP.

Mr. President, I refer with regret to another phase of the evil consequences, resulting mainly from the attempt of the President to be reelected. I have had occasion to mention it before. It is the advocacy by the incumbent of his own election. In the late campaign it led to the most shameful campaign of crimination and recrimination between the President and ex-President, one seeking a second and the other a third term, that has ever been witnessed. I hope it may never occur again. On the 1st of July last I offered a resolution

in this body calling for an investigation of campaign expenses and other matters. On the same day, in some remarks made by me in support of the resolution, I had this to say:

We have just passed through a campaign in both of the great parties for the nomination of candidates for President of the United States. No American citizen can look back upon it without the blush of shame. Candidates for that great office have gone on the stump and canvassed for their own election. That was shame enough. But one of them was President of the United States and another an ex-President pitted against each other. Their campaign was undignified, malicious, and disgraceful. It was not a discussion of principles or an effort to inform or instruct the people, but consisted of personal attacks and counter attacks, criminations and recriminations. If half the things they said of each other were true, neither of them was fit to be nominated. The whole country was shocked at this unexampled spectacle. The people were humiliated and indignant.

Since then the general election has been held and both of these candidates were overwhelmingly defeated. It was just and right that this should be so. They both deserved defeat for this reason if for no other. The contest between these two men was unfortunate in the extreme, not only to them but to the whole country. They had been warm personal and political friends. As the result of this disgraceful campaign they became bitter enemies. The conduct of Roosevelt was peculiarly reprehensible. His vicious assaults on the President made it imperative, in his estimation and that of his friends, for the latter to meet on the stump the charges made against him. It was a fatal mistake. It lost him the respect and good will of many good people. He put himself on a level with his detractor, and thus lowered his own dignity and that of his office, to no purpose. How much better it would have been for these men, how much better it would have been for the country, if both of them had been ineligible to reelection.

Mr. President, I do not believe in a candidate for President, whether it be for a first, second, or any other term, going on the stump. It is undignified and beneath the office of any man fit to be President. In the late campaign two of the candidates traveled the country over making speeches, good, bad, and indifferent, most anywhere they could find standing room and to anybody that would stop and listen. They traveled in their private cars, at immense cost, paid out of contributions for campaign purposes. One of them gave time enough from his eager and unseemly quest for office to visit

the tomb of Abraham Lincoln and lay a wreath, also paid for out of campaign contributions, on his grave. What a touching and sincere tribute this was to the greatest President this country ever had. Could anyone conceive of Abraham Lincoln, as a candidate for President, traveling the highways and byways extolling his own virtues and appealing for votes for himself or his party? There is no stronger evidence that politics and public estimation of the great office of President have degenerated than such a campaign as this acquiesced in by the people of the country.

ALLEGED LIMITATION OF THE RIGHTS OF THE PEOPLE.

This brings me to a consideration of the chief objection urged against this proposed amendment. Several Senators have centered upon it as insurmountable. It is the claim that the amendment will amount to a limitation of the right of the people to choose their President and to determine at the time of his election whether he should be elected to a second or third term. It is worthy of remark that most of the Senators who seized upon this objection were then supporters of a man running for a third term. It would at least be embarrassing to his candidacy for the Senate of the United States to determine that he should be ineligible for even a second term. Notwithstanding this, I am sure Senators urged this objection in perfect good faith and sincerity. It may well be, however, that, unconsciously to them, their judgment was more or less affected by existing conditions. At all events, Mr. President, they have overlooked the very object and purpose of this amendment. Rightly understood and considered the objection has no weight whatever. It assumes that, as things now are, there are no limitations upon the right or obstruction of the exercise of the right of the people to choose their President. If I believed this I would never have offered this resolution and would not now be urging its adoption. I offered the resolution for the very reason that, under the present provisions of the Constitution, the people do not freely choose their Presidents, but are prevented from doing so in great part by the conditions that enable a candidate for a second term to manipulate caucuses and conventions and command the influence and money of great corporations to subvert the

will of the people and elect a candidate that the people do not want in spite of them. It is to remove the conditions that enable the interests, machine politicians, and Federal officeholders to thwart the will of the people and at the same time corrupt elections that this amendment is proposed. Do Senators really think it is an unreasonable limitation upon the rights of the people to attempt to rescue their elections from the money changers and corruptionists and place them in their own hands? What chance have the people against the millions of the great corporations, the corrupt political machine operated by them, and the army of Federal officeholders in the effort to select a President who has favored and protected the trusts and appointed the officeholders in his first term? What hope have they against a candidate with an army of Federal officeholders appointed by him supporting his candidacy, with contributions by interested parties of millions of dollars to be used in his election?

It is worse than idle to talk about limiting the rights of the people under such conditions. It is not a limitation of the exercise of their right to elect the man of their choice, but the removal of one of the greatest obstacles to the exercise of that right. That is the one thing that I am standing for in my support of this measure. I do not say that there are not other causes and other forces at work to hinder and prevent the free and independent exercise of the franchise by the voters and to rule politics by money in the hands of the interested and privilege-seeking few. But I do say that the power given a President to dominate the affairs of the party, and, with the help of the selfish and interested few against the will of the disinterested many, to force his nomination and election to a second term is one of the most potent causes for this condition in the politics of the country.

Congressional Record. 48: 11355-62. August 20, 1912.

Presidential Term: Speech of William E. Borah.

Neg.

If the simple but searching question were asked, Are the people of the United States capable of terminating a man's public service at a time when such services, for the public good should be terminated, it would likely be answered in

the affirmative. To answer in the negative would be to challenge the capacity of the people to select their Representatives at all. It requires no greater capacity upon the part of the voter to select or reject for a second term or a third term than for the first. In fact, the voter has a much better opportunity to pass judgment in an intelligent way, for the record is open before him. In the first instance, a great deal must be taken for granted. No one knows until a man has been an incumbent in that great office in what manner he will meet its great responsibilities or how wisely he may exercise its great powers. But at the end of four years the record lies open to all—the wisdom or want of wisdom, the poise or want of poise, the understanding or lack of understanding of the duties of the office, everything which a thoughtful and considerate people engaged in the grave task of choosing a Chief Magistrate need to know can be known. In view of our party system and the searching and widespread power of the press, all the facts will undoubtedly be given to the voter. We must certainly be prepared at all times to assert and successfully maintain that the strength and virtue of our individual citizenship is the measure of the strength and virtue of the Government itself. To assert to the contrary is to assert that representative government has an inherent and incurable defect. If the people in the exercise of the franchise can not reject a dangerous man or continue in office a desirable and useful man, then the selections in the first place are but the result of ignorance or chance. And in the end the whole affair must terminate in a wreck. No form of free government, no scheme of social polity can ever be devised by which you can make a strong and efficient and powerful Government out of incompetent and irresponsible citizens. The power which is to keep this Government going, which is to supply it with vitality and strength and durability, must be found outside of the mere technical forms of government, outside of the formal statutes and constitutions, must be found among the people; when it is not found there, there is no hope elsewhere.

When you elect a man to the office of the Presidency for the term of six years with no chance for reelection you place him in the same relation to the people for that length of time as a President would be who should be elected for life.

He has his term of six years upon the same terms and conditions as a man would have whose term was for life. The time in each instance would be different, but the attitude, the responsibilities, the regard for public opinion would be the same in each instance.

If human nature were not weak there would be no occasion for these precautions and limitations. But it is weak, and weakest when tempted with power. We therefore prescribe the powers to be exercised, and limit the term within which the exercise of these powers is to be enjoyed. We have that now. If the powers are exercised wrongfully we recall him, if rightly we reward him. Second, we endeavor in a free government to so arrange matters that the mind and thought of the public servant will always be directed toward the people, and when I say the people I mean the whole Nation in the aggregate. I would not have a man the slave of public opinion, and no great President has ever been so. But if he is to be a slave at all I want his master to be the public and not the subtle, persistent, tireless forces which operate by night and by day about the sources of governmental power. In other words, I want his mental vision turned toward the broad horizon of public thought, that his ear may not be too successfully abused by the whispers of the silent, selfish influences always at work.

I know, sir, that now and then some rare soul, some strangely endowed and singularly gifted being is turned loose upon this planet, willing to toil in silence and unrewarded, solely for the benefit of mankind, that such beings need not the stimulus to public virtue which comes from the commendation of their fellows; commended or condemned, they work on. But these rare beings come to seldom to be available for Presidents or any other office. Even if they were more plentiful they would not be recognized in a political convention. Human sympathy and human fellowship, the desire to possess the commendation of your fellows, play a powerful part in the lives of the best of men. The Father of our Country was saddened and depressed in his last years because the turmoil which characterized the closing days of his administration seemed to estrange from him many of his countrymen. Mr. Jefferson relates how upon one occasion he seemed

utterly disconcerted with personal grief. Who for a moment doubts that the shoulders of Lincoln were more stooped and his sad face still sadder because he felt the shafts of malice and hatred sent his way? The most powerful factor in public service to a right-minded man is the desire to so perform his work as to command the approval and judgment of his fellows. He wants that expression in a definite and concrete way, and for that he toils, and it does not make any difference how noble may be his purposes this feeling is never absent. Why divorce the public servant from this influence? Why put him in a position where this stimulus is removed? Why deny him the opportunity to know whether his people approve or disapprove? Why remove this powerful motive for exceptional exertions for the public good? I would not be charged with saying this is the only motive for public service, but it is one of such powerful, persistent presence that it seems unnecessary to destroy it.

I repeat that I want the Chief Magistrate to feel and to know that there is a power which can intelligently commend and reward him if he does well and a power which will inevitably condemn him if he does ill. I do not want this influence destroyed while the other and sinister influence, which will always be at work, is left free to continue its exertions. The selfish, the special interests, the privileged, and those seeking privileges to direct and dominate an administration will be just as powerful as ever, while the power which can punish him if he yields to their influence is thwarted. The President is made to know in the beginning that the public can neither give nor take away. After he gets his certificate of office he is for all intents and purposes for six years an autocrat.

I grant you, Mr. President, my theory is all wrong if it be not conceded, to start with, that the general judgment of the voters is a safe basis for action. If it be thought that our people are becoming excitable, prone to passion, intemperate, fond of strife, unreliable, and unstable, then it is undoubtedly better if we have fewer elections. After awhile we may arrive at the point where it will not be necessary to elect anybody at all. If it is thought that ninety millions of people can be coerced or thrown into a frenzy or blinded as to usur-

pations then let us have fewer elections. As soon as the people have gotten used to 6 years we can perhaps increase it to 10.

But, Mr. President, let us not be too easily discouraged by superficial and passing incidents. The great body of the people is not affected by these agitations upon the surface between individuals. Let us not listen too seriously to the cynic. He is an old and familiar friend. His drawn and pinched countenance has marred every heroic scene in the history of the world. His sepulchral wail has mingled with the strains of progress since time began. No superstition was ever compelled to take its fangs from the intellect of man, no cruel creed was ever rejected, no great law was ever written, no battle for human rights was ever fought that this croaking prophet of evil and chaos was not there to discourage the work. No man ever stood forth in a great cause that the people were not warned that the purpose was to destroy, not protect, their rights; but thus far the people have not been misled. They have judged aright and they will continue to do so.

It seems to me that it is neither necessary nor expedient to establish by the fundamental law that the people shall not be permitted to exercise their judgment as to who shall be their Chief Magistrate at a particular time or in a particular emergency. I can understand perfectly all these constitutional limitations which are calculated to enforce deliberation and consideration upon the part of the people before final action is taken. But I can not understand nor appreciate those limitations which challenge the capacity of the people to take action after full and free discussion of the subject. If I did not believe that the safest and soundest guarantee of free institutions was to be found in the final judgment of the voters of this country after full and intelligent discussion, I would not only distrust our system, but I would feel however much good fortune a new country and favorable economic conditions might postpone it for a season, that in the end our scheme of government would end in a miserable failure. It is not flattering the people, it is not demagoguery to urge that the judgment of the majority in such matters as these must always be regarded and accepted as safe and sane. It is a plea, sir, for the first and indispensable principle upon which our

whole fabric of government is reared. It is a cardinal tenet of that faith which brought the fathers to Philadelphia in 1787 and under the inspiration of which every great disciple of free government has since lived and carried on his work. No one will ever charge Alexander Hamilton with having molded his views for popular favor. Superb and masterful in his intellectual dominancy, he stands amid that splendid group of men clean of every taint of the demagogue. In fact, the criticism has been that he was a royalist and distrusted too much the capacity of the people for self-government. I do not now stop to argue that charge, but certainly I may with propriety quote him as he spoke upon this particular question. "Nothing appears more plausible at first sight nor more ill founded upon close inspection than a scheme which in relation to the present point has some respectable advocates—I mean that of continuing the Chief Magistrate in office for a certain time and then excluding him from it either for a limited period or forever after. This exclusion, whether temporary or perpetual, would have nearly the same effects, and these effects would be for the most part rather pernicious than salutary."

No, Mr. President, the vital principle of representative government is that the representative, the political agent, shall return at stated periods for the approval or rejection of the people—the conclusive presumption being that in the forum of public conscience we have not only the highest but the wisest tribunal to which we can appeal in so grave a matter. If we can not rely upon the moderation, the wisdom of the majority of the whole people, where then shall we go for guidance? If the judgment of 90,000,000 of people expressed under the orderly forms of procedure are not to be accepted, to what arbiter shall we go? If it shall be charged that a man has become overambitious, that his plans seem to threaten the stability of our institutions, to whom can we submit that proposition with more complacency as to the result and more assurance of the correctness of the verdict than to those in whose keeping are all the institutions under the flag. On the other hand, if some great crisis is at hand, as when war is upon us, or if we are confronted with civic problems involving no less than the happiness of the whole people and

the continuance of liberty, and the extended service of some individual who has earned the confidence and love of his countrymen seems desirable, can we not safely submit this question also to the voters, and having it submitted, who shall be found as a believer in our form of government to challenge that verdict? Shall the people under such circumstances and in such a crisis find that a ban has been placed upon ability for fear that the people would be unable to distinguish between a usurper and a patriot?

I concede that some of the arguments for a longer term seem, in the first instance, persuasive. The plea is for business tranquillity. The market place, they tell us, is disturbed by the too oft-recurring elections. The great growth of industrial affairs does not, after all, seem to sustain this contention. There is a dispute among the philosophers as to whether, intellectually and morally, the individual has progressed noticeably in these 3,000 years. Does our civilization produce greater intellects than that of Aristotle or Plato or greater statesmen than Pericles? But no one doubts the marvelous strides in the industrial world—business—business dominates and directs everything and everybody. The church, the State, politics, and religion are all influenced by its subtle, pervading, and persistent power.

And I am one who believes we can pay too high a price even for business tranquillity—the tranquillity under whose soothing shelter sprout and grow special privileges and governmental favors—a million times more menacing to the life of a republic than dictators; that business tranquillity which causes men to become indifferent to obligations of government and, what is more discouraging, sometimes unfits them for the sacrifices which every citizen is called upon to make for the general good.

Back of all forms and details of government, back of all statutes and constitutions, back of efficient democracy, back of successful representative government is the citizenship of the country. Let us shape our institutions and our laws, therefore, with a care for the building up of that citizenship and for the training for the sacrifices and obligations exacted and imposed by all who live rightly in a republic. Business will come, business will thrive, wherever may be found a

people capable of orderly and wholesome self-government. France was one of the richest countries on the face of the earth just before the French Revolution, at a time when misery prevailed in almost every household among the middle classes and the peasants of the land. Our wealth and our business successes depend upon the stature of our citizenship.

Our election campaigns constitutes the great university where the voter is trained for active and efficient citizenship. We can not measure the worth of an institution of government by temporary effects or conditions; we must view it as it works from decade to decade and through the sweep of the centuries. What effect does it have upon the character of the people—upon human progress as it works on through the years? If our people were called to the polls once in 20 years they would soon be incapable of discharging the duties imposed upon them. Men only grow to the full stature of citizenship when in the enjoyment and exercise of duties and obligations of citizenship. On the other hand, if we were to choose our Chief Magistrate every 30 days the element of unrest would predominate to the detriment of permanent growth and progress. Between these extremes, where on the one hand capacity and efficiency are sacrificed, and on the other turmoil and unrest prevails, lies the compromise ground, where ability and stability are joined in permanent wedlock.

This compromise ground the fathers found and a hundred years has demonstrated their wisdom. They said, first, we will provide for such a term in length as will insure the element of stability; second, we will not make it long enough to endanger the liberty of the people; third, we will at the end of the stated period send the faithful and the unfaithful back to the sovereign tribunal of the people for judgment; and, fourth we will make it possible that there may accompany the Chief Magistrate through all his services the noblest ambition of exalted minds, the ambition to win and to hold the approval and commendation of a great and free people. The highest ambition of a public servant if he believes in the wisdom and patriotism of the people, if he believes in our theory of government, is to hear the pronouncement coming up from the millions of his countrymen, "Well done, thou good and faithful servant." Why should we eliminate this power-

ful element, beneficent and wholesome, from public life; that element which has steadied and inspired, guided and accentuated the efforts of the best men who have ever presided over the destiny of the Republic?

World's Work. 25: 499-500. March, 1913.

Six-Year Term for Presidents.

The public imagination has never become stirred up over the relative advantages of having the Presidential term four years and the President eligible for reelection, or having it six years and having him ineligible. But both the great critics of our Government, De Tocqueville and Bryce, voiced the unfavorable opinion of our present Presidential term that is held by a very large number of thoughtful Americans.

De Tocqueville, writing in 1834, with Jackson's reelection of 1832 before him, puts the situation very bluntly:

"When a simple candidate seeks to rise by intrigue, his manœuvres must be limited to a very narrow sphere; but when the chief magistrate enters the lists, he borrows the strength of the Government for his own purposes. In the former case, the feeble resources of an individual are in action; in the latter, the State itself, with its immense influence, is busied in the work of corruption and cabal. The private citizen who employs culpable practices to acquire power can act in a manner only indirectly prejudicial to the public prosperity. But if the representative of the executive descends into the combat, the cares of government dwindle for him into second-rate importance, and the success of his election is his first concern. All public negotiations, as well as all laws, are to him nothing more than electioneering schemes; places become the reward of services rendered not to the Nation, but to its chief; and the influence of the Government, if not injurious to the country, is at least no longer beneficial to the community for which it was created.

"It is impossible to consider the ordinary course of affairs in the United States without perceiving that the desire of being reelected is the chief aim of the President; that the whole policy of his Administration, and even his most indifferent measures, tend to this object, and that, especially as

the crisis approaches, his personal interest takes the place of his interest in the public good."

Mr. James Bryce, writing fifty years later, puts the same idea in somewhat softer words:

"The fact that he is reëligible once, but (practically) only once, operates unfavorably on the President. He is tempted to play for a renomination by so pandering to active sections of his own party, or so using his patronage to conciliate influential politicians as to make them put him forward at the next election."

And again:

"The founders of the Southern Confederacy of 1861-65 were so much impressed by the objections to the present system that they provided that their President should hold office for six years, but not to be reëligible."

Methods of getting renominated differ somewhat with different Presidents, but it is a fact that no President that has lived out his term of office, except Pierce and Hayes, has been succeeded by another man of his own party until he had obtained a nomination for a second term. A careful study of the succession shows that if his party stayed in power the President could practically always succeed himself if he chose. Mr. Roosevelt as President could even nominate Mr. Taft as his successor as Republican candidate, but Mr. Roosevelt as a private citizen could not prevent Mr. Taft's renominating himself, even after an unpopular administration, and Mr. Roosevelt characterized the conditions of affairs which made this possible in language no less severe than De Tocqueville used.

To make him ineligible for reelection would remove the temptation from a President to work for his own ends, and would leave him free to attend to the Presidency during the campaign for nomination. The six-year term would give the country a longer period undisturbed by national campaigns and would give each Administration a better opportunity to do the tasks which it has pledged itself to perform.

But on the other hand there are distinct disadvantages to the proposed amendment. Half way through Mr. Taft's Administration, he had ceased to represent the will of the electorate. To have continued his Administration in office for four years after such a landslide as gave the House of Rep-

representatives to the Democratic party would have been a travesty on popular government. Six years is too long for a President who is out of sympathy with the people who elected him. But for a man who is doing his great task well, six years is too short a term. Our history shows that we as a people believe this, for we have reelected nine Presidents and refused to reelect the same number.

Congressional Record. 49: 2617-25 (current file).

February 4, 1913.

Presidential Term: Speech of Albert B. Cummins.

I now pass for a very few minutes to discuss the merits of the proposal. In doing so I am acting not as a Senator in the Congress of the United States. I am not speaking now as a Senator; I am speaking as one of an hundred millions of people, all of whom are to be affected by the amendment if it becomes a part of the Constitution. I am considering it precisely as though all the voters of the United States were assembled and we were trying to determine for ourselves whether it is wise or unwise to prescribe this rule for the conduct of our public business.

I assume that there is no Senator who will declare that the people, the source of all power, ought not to prescribe rules for their own government, I know that there is a tendency in these later days to disparage the rules which are intended to prevent the people from doing at any particular time and in any way in which they desire to do it whatsoever they at that moment may want to do—that is to say, what a majority of them may want to do—but I can not think that that view has found approval among the thinking men of the country, and especially has it not found approval in the Senate of the United States.

This is a Government of law; it is a Government of constitutions; and it is absolutely necessary as I think every Senator here will agree, that the people shall in their primary capacity prescribe rules not only for the restraint of their representatives but for their own restraint as well.

Let us take some of the examples of these restraints. I do not say that all of them are wise; I only instance them in

order that we may have the subject well in mind. The Constitution of the United States declares that no man shall be elected President of the country unless he be 35 years of age. The people in that have restrained themselves from selecting a man for President who has not attained the age of 35 years. It is a limitation, a restriction upon their powers and privileges, of which we have heard so much.

Again, the Constitution declares that the person chosen for President must be a natural-born citizen. No matter how long he may have been a citizen of the United States, no matter how early in his life he may have come into the United States, the people have no right under the Constitution to elect any man President unless he was born a citizen of the United States. Whether this is a wise or an unwise restraint I do not say. I only mention it in order to indicate that always the people have recognized that they must prescribe rules for their Government that will bind themselves as well as their representatives.

Again, the Constitution says that no man shall be elected a Senator in the Congress of the United States unless he is 30 years of age, unless he has been nine years a citizen of the United States, and unless he be at the time he is elected an inhabitant of the State from which he comes.

A State might very much desire at the moment to select a man who had not been a citizen of the United States for nine years; it might desire to select a man who was not an inhabitant of the State; and yet they have put this restraint upon themselves, because at the time the Constitution was adopted it was believed that on the whole the country would be better served if these persons excluded by the Constitution are not permitted to hold this particular office.

It is likewise true of Representatives in Congress. A man to hold that office must be 25 years of age, and must have been a citizen of the United States for seven years before his election and must have been an inhabitant of the State from which he comes.

These are simply illustrations of the restraints which the people have hitherto put upon themselves with regard to the selection of a President, a Senator, and a Representative.

Again, it is in the power of the House of Representatives to impeach and in the power of the Senate to try and convict. The Constitution says that one of the penalties imposed after a conviction in an impeachment proceeding may be disqualification for any office under the laws of the United States. Therefore, if a President were impeached and the Senate of the United States had attached this disqualification to him, no matter how much the people of the country might desire after that time to elect him President or to elect him Senator or to elect him Representative, they would be incapable of doing it, because the framers of the Constitution believed it would be better for the country and that the calm counsel of a deliberative body in establishing rules would furnish better protection than the act or the immediate time.

But that is not all. Our Constitution puts many restraints upon the people in a legislative way. Suppose that we had introduced into the United States the system of direct legislation. I will not discuss the practicability or the merits of that system at this time, but suppose it had been established. We would be met with these restraints upon the power of the people:

No bill of attainder or ex post facto law shall be passed.

Does any Senator here believe that it is not wise for the people to say to themselves in the deliberation of a constitutional convention or assemblage that we shall not pass a bill of attainder or ex post facto law?

Or, again, that—

No capitalization or other direct tax shall be laid, unless in proportion to the census or enumeration herein-before directed to be taken.

That is a restraint upon the people, indirect now because it is a restraint upon their Representatives in Congress, but it would be direct if we had the system of direct legislation.

And again, passing to another section:

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

A State, if it had the system of direct legislation as many States now have, might think it very desirable at a particular time to pass a law that would impair the obligation of

a contract. The people of the State might feel the injustice of a particular obligation so keenly that they would be willing to pass a law that would impair the obligation of the contract in which the debt or obligation was created.

Is there, however, any one who feels that it is an invasion of the powers and the privileges of the people if they themselves declare as a rule of their own conduct that they will not pass any law which violates the obligation of a contract or pass any law which makes a thing criminal that before that time was not criminal, and makes an act committed before that time a criminal act that was innocent at the time it was performed?

I simply mention these things in order to show that we may go far afield if we attempt to fashion our conduct upon the hypothesis or upon the proposition that the people in making their laws and in making their constitutions ought not to put any restraint upon themselves.

It is not a wise and sound principle of government that the majority of the people have a right to do at a given time anything that a majority at the moment desire to do. There is no government in the world that could survive for a decade the establishment of a principle of that kind.

Therefore, without going further into the philosophic doctrine itself, or the abstract doctrine, I come to consider whether it is wise for the people to say to themselves, "We will not elect a man President of the United States who has held that office"; in other words, that we will establish the system of a single term for President of the United States.

Now, I recognize that there may be a great difference of opinion upon the merits of this proposition. I take great pleasure in acknowledging my own belief that those who oppose it are entirely sincere and that they oppose it because they believe that it is not wise to so restrict the action of the people. I grant you that there is no other tribunal so trustworthy in the election of a President as the tribunal of the people. I have implicit faith, the highest confidence, in their patriotism, in their intelligence, in their desire to render complete justice among themselves; but I have no higher confidence in the ability of the people to select a President of the United States than I have in their ability to declare, when the

question is submitted to them, whether they desire that, under any circumstances, one who has held the office shall again hold the office. I think that the highest privilege, the dearest power that the people of this country can exercise is the power to say for themselves what their Constitution shall be, by what rule they will be governed in the future. Therefore, in appealing for the passage of this joint resolution, I am opening the door to the exercise of that highest and most sacred right which any free people can either enjoy or exercise. If we wait until two-thirds of the Senators and two-thirds of the House of Representatives are individually convinced that this rule ought to obtain before we give the people the opportunity to declare upon it themselves we will wait either until the millenium or we will wait until the pressure of public opinion upon Senators and Representatives leaves them no other course to pursue save the submission of the amendment.

Let us see now for a moment the point we have reached in the argument. The people want a President who will render them the best possible service; they want a President who will be a faithful, efficient public servant. I will endeavor to state the argument on the other side, and if I do not state it fairly I want some one who is opposed to the joint resolution to correct me. It is said that a President will more faithfully and more efficiently execute his duties if he executes them with a view to a renomination by the party to which he belongs and a reelection by the people; that the stimulus of this popular approval will lead him to a better and more complete performance of the duties with which he is charged than if he knew that there could be for him no renomination and no reelection. I do not believe in that proposition. I believe that the President of the United States will more faithfully execute his duties under the proposed limitation. I am not now speaking of the President as a leader of a party, because we do not elect Presidents as leaders of parties or as leaders of the people. Presidents may be leaders of the party to which they belong; they may be leaders of public thought; but they are not elected either to be leaders of parties or leaders of public thought. They are elected to perform certain duties imposed upon them by the Constitu-

tion and by the laws which have been enacted by the Congress of the United States.

I do not want it to be understood that I think a President ought to efface himself from political affairs; that he ought not to occupy his abilities and to employ his experience in the general service of the people; but if he has those abilities and if he has that experience, he will be a leader of men, not because he has the power of a President, but because he has the power of character and capacity. I am not considering that phase of the activities of a man who happens for the time being to be a President of the United States. I am considering only those duties which he has sworn to perform which the Constitution places upon him and which the Congress of the United States have required should be performed.

I think that a President of the United States will more perfectly keep an eye single to the work which he has undertaken to do if he is not disturbed, if he is not vexed, if he is not influenced by the thought of renomination or reelection.

Very much has been said in praise of the presidents of the United States from the beginning until now. I join in it all, and would emphasize it if I could. The United States has been conspicuously fortunate in the characters and attainments of the men who have been elevated to the high office of President; but, nevertheless, I am bound to say that it is my belief that every President of the United States, save one—and he is only a possible exception, but I do make one exception—that every President of the United States save one, no matter how good a President he was, would have been a better President if he had been ineligible to renomination and reelection. The exception that I make in my own mind is George Washington; and I make it only because I believe that he was indifferent—wholly indifferent—with respect to his renomination and reelection.

Mark you, I am not taking away any of the just praise which ought to be accorded to all these illustrious men when I say that the ambition for renomination and reelection disturbed their serenity when they ought to have been most serene, impaired their efficiency when they ought to have been

most efficient, because so long as the Constitution remains as it is, so long as the incumbent of the presidential office is eligible for renomination and reelection, he must be a candidate for it, for it is the renomination and the reelection that constitute the approval of what he has done, and failure to renominate and reelect is a disapproval of what he has done. Therefore, in the first place, a President is bound to devote a very considerable part of his time to the mere work of securing a renomination and the mere participation in a campaign for election.

The duties of the presidential office are growing in importance with every day; the power of the President has immeasurably increased in the last quarter of a century; and so long as you put before the President the view that he must be renominated and reelected in order not to be disgraced he will devote, he ought to devote, a large part of his time that should be wholly employed in the public service to the manipulation and the organization necessary to bring about a renomination and reelection. No man can escape from the temptation. If we could bring candidates from the heavenly regions, with all the exemptions which they have from mortal weakness, they could not escape the temptation which I have pointed out.

Now, it will be said, I know, that that temptation is the very thing that leads Presidents to a faithful performance of their duties. I do not think so. I am not saying, mark you, that the people are not competent to reject a President who has not been efficient and faithful. The history of the country is full of instances in which such Presidents have been rejected. That is not the point that I am trying to make. The point that I am making is the effect upon the administration of the office itself and the weakness that it injects into the work which the President must necessarily do. It makes no difference whether the people reject him or not, his work has been neglected and illy done; and for that wrong, for that misfortune, there is no remedy whatsoever. I believe that a President will more faithfully perform his duty if no influence can approach him from any quarter touching a renomination or a reelection.

What are the duties of a President? They are, first, to

execute the Constitution and the laws of the United States; and they ought to be executed without fear, without favor, without influence. They ought to be executed against the rich and the poor alike; they ought to be executed against the great and the small alike; they ought to be executed against the famous and the obscure alike. We have a great variety of laws; some of them are popular and some of them are unpopular; some of them are popular with a certain portion of the community and unpopular with another portion of the community. Those laws will increase in number and they will multiply in importance. What we desire, what we ought to have, is a condition in which the President of the United States will move forward to the execution of these laws blind to personality, blind to influence, blind to the position of those who are to be affected by the enforcement of the statutes. Take, for instance, the statute which I think is the most important of all the legislation of Congress, a statute that vitally affects, I think, the integrity and the permanency of our institutions, a statute which will grow with every day. I mean the statute directed against contracts, combinations, and conspiracies in restraint of trade and commerce. I think that this law—I mention it as one of many—will be more faithfully administered, more energetically applied without respect to persons or conditions, if the President of the United States is free from the influences which these great powers can exert.

Congressional Record. 48: 11463-6. August 21, 1912.

Presidential Term. Weldon B. Heyburn.

Upon what ground can it be claimed that it is necessary at this time to amend the Constitution of the United States in its provisions providing for the election of a President of the United States? What facts have been stated or brought to the attention of the Senate upon which it can be claimed that a necessity exists? Necessity implies an affirmative proposition. What has occurred in the history of this country that renders it in this hour or at this time necessary to provide for a different tenure for the office of President of the United States? The argument has proceeded along the line

that some Senators have not agreed with the action of those who have held this position or that they are apprehensive that some who may hold it in the future will create a necessity. No necessity can exist arising out of the future. A necessity can only exist arising out of the present. Even a bad past does not necessarily establish a necessity for a change, because the men who in the past have acted contrary to what some may conceive to be the rule of wisdom, the presumption is that the man of the present will act in conformity with the principles and the dictates of his duty. In order that we should change the Constitution of the United States there must exist specific, well-defined reasons based upon existing conditions, not upon threats, not upon conjecture as to whether or not some man in the future may create a necessity. So that I desire to premise my remarks upon this question by calling attention to the real question for consideration. Would the people diminish the term of the present Executive? Some would, perhaps. Has the present Executive been guilty of any act that would justify the shortening of his term? If he has there is already a provision in the Constitution under which he may be dealt with.

The desire to do a thing is not proof of the wisdom of doing it. A majority of the people of the United States have selected the present Executive for a term of office that does not expire until the 4th day of next March. That is the existing verdict of the American people, and no man can base the claim of necessity upon any charge against that officer unless he chooses to put behind it the responsibility of official action looking to impeachment. As to those who are candidates for office, nothing has yet transpired that would seem to make it necessary to anticipate a shortening of their term. It may be that some Senators have it in mind that in the event certain candidates are elected the term should be six years, and that in the event certain other candidates are elected it should be six months. [Laughter.] But that does not come within the reason given, as stated in the fifth article of the Constitution, which is "necessity." With me, Mr. President, every presumption is against every proposition to amend the Constitution of the United States. This article now under consideration represents the sustained wis-

dom of more than 120 years in contemplation of legal interpretation; the people have passed upon it during every one of those years; they have passed upon it during every day that the Congress of the United States has been in session and has not acted; during every day, whether Congress has or has not been in session, when the legislatures of the States might have raised this question and demanded its solution. I say it represents the wisdom of all the years that have elapsed since the making of the Constitution, and it will require something more than innuendo, something more than suggestion, something more than a weighing in the balance to determine the evenness of the scales to induce me to vote for a change of a principle of our Government upon so short notice. Mr. President, for nearly 10 years we had no President of the United States.

Yale Review, new series. 2: 510-20. April, 1913. /

Election and Term of the President. M. Farrand.

After the present government of the United States had been in operation for one hundred years, Mr. Herman V. Ames, now Dean of the Graduate School of the University of Pennsylvania, made a careful study of the amendments to the Constitution that had been proposed during that length of time. He found that more amendments related to the executive department than to any other subject, that there were some five hundred of them in all, and that of these by far the greater part had to do with the choice and the term of the President. Over fifty amendments had been proposed providing that the term should be for six years, almost all of which stipulated that the President should not be eligible for reelection. Not a single one of them ever received sufficient support to render the question of its adoption worthy of serious consideration. This statement of facts may reveal a continued dissatisfaction with the method of electing our chief magistrate, but is more significant as a testimonial to the wisdom of the men who framed our Constitution.

January 30, 1913.

neg.

Presidential Term: Speech of M. Poindexter.

The last campaign for the nomination of the Republican candidate has been pointed out here and it has been justly stigmatized. In that campaign every opportunity of office was taken advantage of. Every use that could be made of patronage or presidential power was set in motion to secure the nomination. And yet, in every State in the Union where the people had an opportunity to take a real part in the nomination, that misuse and abuse of power and patronage was condemned and repudiated, and their choice given by an overwhelming verdict of public opinion to another man, who was a private citizen and had no opportunity to bring to bear appointments to office and presidential favors in order to get delegates in the convention. So, when the system of primary nominations prevails, whenever it shall be generally adopted in this country, by which the people will really have an opportunity to control the nominations for the Presidency, it will be utterly impossible for the nomination to be controlled by a President, however long he may be in his office; and when that becomes evident, as it must become evident, as is already demonstrated, the attempt of the incumbent to secure the nomination by such abuses which are sought to be avoided and prevented by this resolution will be voluntarily abandoned.

In considering whether or not the President shall hold office for six years and be ineligible for reelection, the whole question is as to whether or not the people are incapable of determining that question for themselves, or whether you are going to attempt to put a guardian over them in the shape of a straight-jacket provision saying what they can not do in regard to electing a Chief Executive of the Nation.

If they were in their swaddling clothes such a provision would be necessary, but when they for a thousand years have exercised self-government and enjoyed freedom, when they have developed the greatest system of education, the most ample means for the transmission of information of any people

in the world, it is an unusual time now, when we are in the midst of progress, when information and education are on the increase instead of on the wane, to introduce a proposition here to deprive them of some of their powers and pass a resolution which implies at least that we have suddenly awakened to the conclusion that the American people are politically decadent.

I imagine that every great private monopoly in the United States would hail with joy the passage of this joint resolution. I say "private monopoly" because the question of the regulation of those great private agencies underlies most of the political issues of to-day.

When a campaign to establish some principle of control or restraint of those who seek to use the power of wealth, the control of transportation, the undue advantage and special privilege of the tariff for the oppression of their weaker neighbors or the masses of the people—a power which must be restrained by the Government, because there is no other source from which the restraint can come—and it must be restrained by the Federal Government, because leaving it to the States is leaving it to be unrestrained. The States have not the requisite physical or political power, and many times they have not the disposition, when a campaign to put in the hands of the Federal Government means for this regulation and control is under way, and the question has been weighed before the people at the bar of public opinion—when they have rendered their judgment upon it in the election, and it has gone its course through all the checks and balances and divided powers of our system of government, and finally is having its effect in the hands of a vigorous and earnest administrator of the office of President—just as he is about to accomplish the results for which this long campaign has been waged he finds this amendment coming into play, should it be adopted, and saying that he must go out of power, and the hand of the man who has been found willing and able to meet the needs of the people upon this great question is palsied and their will rendered futile.

Every country furnishes examples, from which it is manifest that disaster would have fallen upon them if they had been

governed in the great crises of their history by such a provision as this. Our own history is full of such instances. We have had times of stress, when the Nation's existence was at stake, when the conduct of a great war or the prosecution of a great policy depended upon a single individual who was the man fitted for the hour. Suppose that in the midst of his power, his official responsibility, his official opportunity, in the Civil War, for instance—because it may as well be as not that his six years' term would expire in the midst of a critical campaign, upon which the life of the nation was at stake—this amendment should call him out of office, throwing the country into the throes of an election of a new and untried man. It is not logical; it is not common sense; it does not tend towards the freedom or liberty of the people or to enlarge in any way the safety or the service which the Government renders to them.

There is not a successful private organization in the world which would adopt such a policy, and one phase of the Government is but that of a great business organization. Every great private business concern has achieved its success to a large extent by the selection of competent men to do its work and by keeping them in their position and by promoting them to the highest positions so long as they remain faithful and competent.

The fathers of the Constitution were wise enough to fix a short term of office for the President, and leave him eligible for reelection, because it gives the people an opportunity every four years to determine whether or not he is competent to administer the duties of that office. It is impossible for him to abuse the power of the office to any great extent within that short period, with the new agencies of nomination I have referred to, and yet it leaves with the people the privilege of continuing him there indefinitely, or at least past the danger period of some critical passage of the Nation, if they see fit to do so.

An occasion that every body will bear in mind was when the Empire of Great Britain first extended itself in that mighty sweep around the world and established its flag and its laws from its island home to the end of the seven seas—when the Earl of Chatham was at the head of the English Govern-

ment, when Clive was selected by him to lead the armies of England in India, when he sent Wolfe to face Montcalm in Canada, when he was waging a mighty struggle against the armies of France on the frontier of Germany—when the question was whether England should blossom and bloom and prosper and flourish as the greatest empire of modern times or whether it should sink into obscurity and insignificance as a defeated rival of its European neighbors. Suppose in that crisis in the history of Great Britain some foolish, some absolutely illogical provision of the constitution had decreed that the great Lord Chatham should give up the helm of the state and step down and a new and untried and incompetent man should take his place. The same condition might well arise here—it will arise here if this amendment is adopted, the effects of which will come back to plague and curse the people for whose benefit it is supposed to be framed.

Chautauquan. 67: 103-5. July, 1912.

Single Six-year Presidential Term.

The dignity and prestige of the presidential office would seem to require legislation removing either the necessity or the occasion for unseemly wrangling and personal campaigning. An amendment limiting any man to one term of six years in the White House would have that effect. Perhaps similar amendments are desirable to cover the case of state executives.

But the argument for the reform in question is not based merely on considerations relating to dignity, prestige, propriety in high office. There are deeper and better reasons for making the change. Andrew Jackson thought that a single term without re-election for a President under any circumstances would add another safeguard to our liberties. Second terms are now feared as threats to our liberties; whether third or fourth terms are a menace and danger is a matter upon which opinion differs. But what is undeniable and clear is that second and third terms are incompatible with efficient and single-minded public service. The best of men cannot be exposed to constant temptation. The temptation of incumbents to use patronage, to build or strengthen machines, to

"mend fences," to make sure of delegates, to control conventions, is too strong to be resisted in most cases.

Nor is this all. Men in office who are candidates for second or third terms may, and generally do, consider bills and policies from the political or personal point of view. Some do it unconsciously, but all do it more or less. The incumbent who is not and cannot be a candidate again for the same office is free to deal with public matters on their merits, to use his independent and sincere judgment, to make the public good his sole test or concern. This would be an enormous gain to good government and to "the rule of the people."

The more the question is studied the more vital and progressive the single-term idea is seen to be. There is not the least danger that the supply or presidential "timber" will ever be so restricted that second or third terms will be necessary. No man or set of men is really indispensable to an age or generation or nation. Any vigorous, sound body politic contains many men and women who are fit to do the work of the day. To dip into the great mass of citizens and select administrators and servants with an eye to results, without overestimating any individual or underestimating the virtue and intelligence of his equals, is not always an easy task. But stable and prosperous democracies must endeavor to do this very thing. The single six-year presidential term idea is consonant with the warnings of history and with common sense.

Independent. 74: 335-6. February 13, 1913.

Presidential Term. *ney.*

Amendments to the Constitution are not coming quite as hard as was thought. Congress is ready for another one which will make the Presidential term six years, instead of four, without reflection. We do not approve the proposed Amendment, and for the following reasons:

Six years is too long a term. The people should be able to recall a President and his Government sooner than that. We have no machinery by which, as in Great Britain, a government can be recalled at any time if it prove unsatisfactory. Four years was chosen at first as the Presidential

term because it allows time for a President to make good if he can, and yet is not long enough for him to become a burden on the country. To lengthen his term to six years would require us to apply the recall to him, which, on so large a scale, over the whole country, with its hundred millions or more of people, would be very disturbing, if not dangerous. It is better to give the people an opportunity automatically to recall the President at the end of a limited term.

Again, with the term of six years, it is proposed to make the President ineligible to a second term. Why? Simply because those who urge it fear that the President may so manipulate the government of the country that he can bamboozle the people and persuade them to reëlect him indefinitely, and become a dictator as did Diaz in Mexico. That is, they do not trust the people. That is a pretty doctrine for progressives to entertain. It is their slogan, and that of all of us, that we can trust the people, our people. We are determined that our people shall be trustable. For that reason we insist on popular education, so that our millions of rulers may be able to rule. We believe that our people can be trusted not to reëlect a despot. If they cannot be trusted—if they are so stupid and ignorant—they had better reëlect a despot, as in Mexico, where Diaz at least gave peace and prosperity.

We do not say that it is wise in the best of countries—and there is none better than ours—to reëlect a President to a third term. The tradition of Washington is against it. Even King Arthur and his Round Table had to pass away, lest one good custom should corrupt the world. The good may be the enemy of the better. Yet the people must be trusted—and it is the good sense of the people, and not a rigid provision in the Constitution, that should limit the number of terms. The people have already decided wisely, and they decided in the beginning that they should have the right to give a Chief Magistrate who does his work to their satisfaction a second term of four years; and, without giving up their liberty of choice, they have decided that a third term is not desirable; and will not be unless some extraordinary exigency should arise.

But we are told that the quadrennial recurrence of the excitement of a Presidential election is disturbing to business,

that it is disagreeable, noisy, and that it is therefore better to lengthen the period to six years. This is an utterly unworthy objection. The excitement of an election is not a bad thing. It is good; it is educating. It teaches our voters, and particularly our young voters, how to vote. They learn that they have a country worth loving and working for, working for politically, worth dying for. We would not reduce the number of Presidential elections, any more than we would increase the power of an unfit President by giving him a longer term in which to play the incompetent, or, worse yet, the tyrant.

But the further objection is made to the present reëligible term of four years that it tends to an unseemly and dangerous ambition of the President to work for another term. Such an effort has been unseemly at times; but that is not necessary and the effort is more and more likely to defeat itself. Let Congress give us the law for which President Taft has pleaded, by which all but the very highest offices shall be put under a civil service law, and the President will not have an army of politicians, postmasters in every village, to work for him. We can easily remove the spoils of office. Do this and the danger is made inconsiderable. There was less of it at the last election than previously. Even as it is, the danger of thus seducing the people is a very small one, and is very greatly exaggerated by the party that seeks a change. What is more, the hope of reëlection acts as an incitement to a President to give the best of his service.

Congressional Record. 48: 11461-3. August 21, 1912. *ney*

Presidential Term: Speech of Moses E. Clapp.

It is urged that they will use patronage for this purpose. I differ somewhat from my friend the Senator from South Dakota [Mr. CRAWFORD]. I do not believe that the evil of patronage can be cured by law; but it can be cured in one way, and it is being cured in one way, and that is by the people gradually taking back to themselves the functions of government which they have allowed to be taken from them, and acquiring those functions of government which ought to have been placed in their hands in the beginning. In other

words, the remedy for the patronage situation is to rob patronage of its power as a factor in politics; and we are very rapidly accomplishing that desired result.

The best remedy for an evil is that remedy which is found by allowing natural forces to move along natural lines, instead of trying to establish artificial restrictions and limitations. I do not think it is a very far cry to say that the American people will never again witness a national convention where there will be any considerable number of the delegates in that convention who have come there by the caucus and convention system. The next national conventions of the parties which will exist four years from now will consist of delegates in an overwhelming majority who come there as the express choice of the people to carry out an expressed will of the people; in other words, to represent and serve the voters instead of arrogating to themselves the function of dictating to the voters; they will recognize that they are sent as the servants of the voters instead of assuming the rôle of masters.

We extend the system of presidential preference primaries just in proportion as we take by a natural process from the President the political power to control nominations through the use of patronage.

Mr. President, no one can exceed me in my deprecation of the lure of patronage. I am almost prepared to say that the man who would sell his vote for an office differs only from the man who would sell his vote for money in that he might be deterred in the former instance because of the fear of detection. The man who will purchase another's influence with patronage differs only from the man who would purchase it with his bank check in the fear of resulting detection. Instead of trying to put up an artificial regulation of patronage we are now engaged in regulating it by the most natural process, and that is by the people freeing themselves from the influence of patronage; and it has come to that point, I undertake to say, to-day that patronage has been changed from an asset to a liability, so far as trying to control conventions by it goes, in the hands of a presidential candidate. There may be some States left where this is not true; but in those States where the people have developed a means by which they can express their own choice for President the Federal officeholder is not only powerless but

those who have not received the favor of Federal patronage are likely not only to resist the influence of the Federal officeholder but to treat with resentment his attempt to dictate to them. So I repeat that in those States where we have been able to put the power in the hands of the people themselves patronage has been transferred from the 'asset column to the column under the head of liabilities if its use is undertaken to control political conventions.

Harper's Weekly. 56:10. May 11, 1912.

Third Term. A. M. Low.

A constitutional amendment limiting the Presidency to six years and making its occupant forever ineligible to re-election is imperatively needed for at least two good and sufficient reasons. One is that it will save the Republic from splitting on the same rock that has proved the destruction of all previous republics; the other is that it will save the country from a repetition of the unseemly spectacle to which it is now witness, disgraceful to the high dignity of the Presidential office and lowering the United States in the eyes of the world. In a letter recently written to Congressman Gillett, of Massachusetts, Dr. John W. Burgess, professor of political science and constitutional law in Columbia University, a leading authority in his field, wrote: "You will perhaps remember that, in those days when we were brought so constantly together in Amherst College, I continually insisted that my students should rid themselves from the outset of the dangerous American delusion that what had happened to European states in the course of their history and development could by no possibility happen here. The other day the passengers of the ill-starred Titanic deluded themselves with the idea that the great vessel could not sink. This was not more fatal than is the idea that the American Republic is not exposed to the same dangers that the European republics have encountered and is in no danger of sharing their fate. If I am able to read the signs of the present time in the light of past experience, it seems quite evident to me that we are rapidly approaching the

point in the development of the Republic at which the Roman Republic of 50 B. C. and the French Republics of 1793 and of 1848 met their downfall."

Every thoughtful person must agree that this warning is timely, and that it is no Cassandra's utterance of the closet philosopher, but the acute observation of a man who speaks from the light of experience. It is the American delusion that the American people are the special children of Providence and that ordinary laws are suspended in their favor. Because they have been unduly favored, because they have enjoyed material advantages that are the envy and amazement of the rest of the world, because in many instances they have been able to defy Old World teachings and, despite their recklessness and improvidence of the bounty of nature, have prospered as no other nation ever prospered before, Americans have come to believe that the dangers of the past need have no terrors for them. Professor Burgess points out that the Republican system is always based primarily on representative institutions. "In the course of their development," he says, "these institutions tend to come under the control of the more capable and active personalities of the community, until finally the suspicion is aroused among the masses that these personalities have become a governing class and are using their political advantages to further their personal interests. This is probably true in some degree, but in nothing like the degree supposed. Then comes along an extraordinary, vigorous, ambitious and self-confident personality, who proclaims himself the tribune of the people and seeks to rally around himself, as the nucleus of a new kind of organization, the people, as he calls them, but in reality always the more adventurous part of the people, and he appeals to the people to ride down their representative institutions and take things into their own hands, which always means practically to give things into his hands as their sole representative. This is Cæsarism, Bonapartism, and this is the way it always comes about."

An amendment limiting the Presidency to a single term and making its occupant ineligible for re-election is not only imperatively demanded, but would do more really to

purify politics than all the sham reforms and all the sham reformers from Roosevelt down. Every President desires a second term, for to serve only a single term is to be considered a failure and to be under the stigma of having been repudiated by country and party. An honest President is unconsciously influenced by this feeling, and his actions are more or less swayed by it; a dishonest President shapes his whole course with a view to his re-election. He begins to think about it from the first day he enters the White House; he constitutes his cabinet not to secure the services of the men of the highest ability, but because of their political influence in their respective States; all Federal appointments are made to serve the same end; legislation is shaped so as to strengthen the President, force his renomination, and help his re-election. In his first term a President, unless he is a man of extraordinary courage and strength of purpose, is apt to be either timid or to play the demagogue to court popular approval. A good President would be a better man and render greater service to the country if he knew he had nothing to fear and need consider only his duty. A bad President would not be made good because his term was limited, but his power for evil would be limited.

A constitutional amendment making a President ineligible for re-election would put an end to the unedifying spectacle of the Chief Magistrate soliciting votes, bandying epithets with his opponent, and lowering himself and the dignity of his office.

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